

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division**

<b>GUY KENNETH PENLAND,</b>	)	
<b>Petitioner,</b>	)	
	)	<b>1:09cv398</b>
<b>v.</b>	)	<b>1:07cr122</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
<b>Respondent.</b>	)	

**ORDER**

Currently pending in these related civil and criminal matters are the following motions:

1. Petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 (Doc. 1 in 1:09cv398 and Doc. 303 in 1:07cr122);
2. Petitioner's motion for leave to file an amended sealed response to the government's opposition to petitioner's § 2255 motion (Doc. 12 in 1:09cv398);
3. Petitioner's motion for stay of preliminary order of forfeiture pending a ruling on petitioner's § 2255 motion (Doc. 14 in 1:09cv398);
4. Petitioner's motion for nunc pro tunc order granting leave of court to file sealed response (Doc. 17 in 1:09cv398); and
5. Petitioner's motion for summary judgment with respect to his § 2255 motion (Doc. 19 in 1:09cv398).

For good cause,

It is hereby **ORDERED** that all of the pending motions in these related matters are **REFERRED** to Magistrate Judge Dennis Howell, pursuant to 28 U.S.C. § 636(b)(1)(B), for an

evidentiary hearing and the reasonably prompt preparation of a report and recommendation.

While an evidentiary hearing is currently scheduled in this matter for 11:30 a.m.,

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Tuesday, March 9, 2010, the Magistrate Judge may, of course, reschedule that hearing, if necessary, and may hold any additional hearings deemed appropriate in the circumstances.

The Clerk is directed to send a copy of this Order to the Magistrate Judge, the Bureau of Prisons, the Marshal's Service, the Probation Office and all counsel of record.

/s/

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March 1, 2010  
Alexandria, VA

T. S. Ellis, III  
United States District Judge